

2004 FEB -2 PM 3:56

**BellSouth Telecommunications, Inc.**

333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

February 2, 2004

**Guy M. Hicks**  
General Counsel  
615 214 6301  
Fax 615 214 7406

TRA DOCKET ROOM

VIA HAND DELIVERY

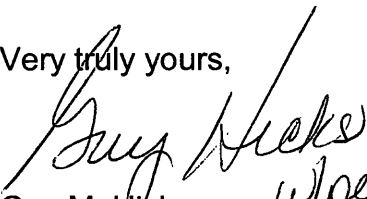
Hon. Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding)(Switching)*  
Docket No. 03-00491

Dear Chairman Tate:

On January 28, 2004, the Hearing Officer in this docket issued his *Order Granting Motion to Request BellSouth to File Responses to Subpoena with the TRA and Granting the Unopposed Motion for Extension of Time*. Pursuant to that Order, enclosed are the original and four copies and a CD Rom of nonproprietary responses to BellSouth's subpoena issued in the referenced matter on or about November 14, 2003. Proprietary responses are being submitted under separate cover subject to the provisions of the Protective Order entered in this matter. A copy of this letter is being provided to counsel of record.

Very truly yours,

  
Guy M. Hicks w/permission @ch

GMH:ch

## CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2004, a copy of the foregoing document was served on the parties of record, via the method indicated:

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---

*Ken Woods*  
*W/permission (ch)*

# ALEC, INC.

250 West Main Street  
Suite 1920  
Lexington, KY 40507  
Tel: 859 258-2880  
Fax: 859 433-6483

November 19, 2003

Mr. Guy M Hicks  
BellSouth  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300

Re: Implementation of the Federal Communications Commission's Triennial  
Review Order

Dear Mr. Hicks:

On behalf of ALEC, Inc., I am providing information in response to the Subpoena by BellSouth before December 8, 2003 in order to dispense with an oral deposition.

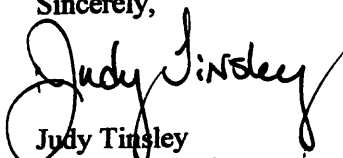
Please see responses to questions 1 through 9 below and note that the response to question numbers 2 and 3 are filed as CONFIDENTIAL in the enclosed separate envelope.

**MATTERS UPON WHICH EXAMINATION IS REQUESTED PURSUANT TO  
T.C.A. §§ 4-5-311 AND 65-2-102**

1. LXTNKY01BB0
2. (see enclosed CONFIDENTIAL envelope)
3. (see enclosed CONFIDENTIAL envelope)
4. No Residential Customer Service
5. No to all
6. A. NA  
B. NA  
C. NA
7. 250 West Main Street, Suite 710 Lexington, KY 40507
8. No
9. No.

If you have any questions, please call me on (770) 425-4725.

Sincerely,

  
Judy Tinsley  
Regulatory Affairs

Enc. Original

cc: Mark Hayes – President – CLEC Services, ALEC, Inc.

December 15, 2003

Guy M. Hicks  
General Counsel  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300

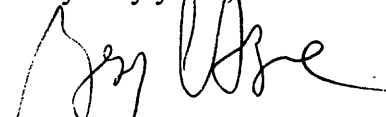
**RE: TN TRO Subpoenas**

Dear Mr. Hicks:

Confirming our conversation of December 12, 2003 and in response to your December 2, 2003 subpoena to Citizens Telecommunications Company:

1. Citizens Telecommunications Company, which has subsequently been renamed Frontier Communications of America, Inc. ("FCA"), holds TRA certification for intrastate long distance and CLEC services.
2. FCA provides intrastate long distance services as a reseller to end users located in the ILEC territories of the two Citizens ILECs -- Citizens Telecommunications Company of Tennessee L.L.C. ("CTC of Tennessee") and Citizens Telecommunications Company of the Volunteer State LLC ("CTC of the Volunteer State").
3. FCA currently has no CLEC operations in Tennessee, although FCA has requested interconnection negotiations with Ben Lomand Cooperative for the purpose of providing CLEC services in that cooperative's territory. FCA does not have any current plans to provide CLEC services in BellSouth's territory although it is certificated to do so and might decide to do so in the future.
4. Neither FCA, CTC of Tennessee, CTC of the Volunteer State, nor any of their affiliates provides retail or wholesale switching services in BellSouth's territory nor do they have any current plans to do so.

Very truly yours,

  
Gregg C. Sayre  
Associate General Counsel –  
Eastern Region

GCS: hmj

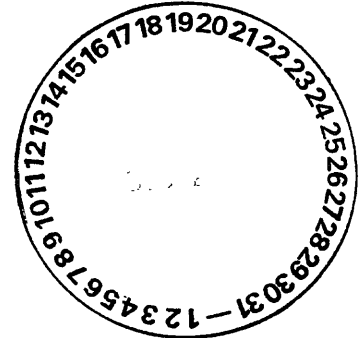
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☒ Shore

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Foshee  
Ellenberg



519674J



December 22, 2003

**BY ELECTRONIC MAIL**

Guy M. Hicks, Esq.  
BellSouth Telecommunications, Inc.  
Suite 2101  
333 Commerce Street  
Nashville, TN 37201

**Re: Docket No. 03-00491**

Dear Mr. Hicks:

I am submitting this letter on behalf of Global Crossing Local Services, Inc. and Global Crossing Telemanagement, Inc. in response to the data requests serviced by BellSouth in the above-docketed proceeding. Because the amount of responsive information is limited, I trust this letter response will be sufficient.

1. Identification of Switch.

Global Crossing's switch located at 250 Williams Street, Atlanta, GA is used to provide local service to a few customers located in Tennessee. The common language location identifier of the switch is ATLNGAQSDS4.

2. Switch Capacity

Not available

3. Number of DS0 equivalent lines in use.

40

> **MICHAEL J. SHORTLEY, III**  
VICE PRESIDENT & GENERAL COUNSEL  
NORTH AMERICA  
  
GLOBAL CROSSING TELECOMMUNICATIONS, INC  
1080 PITTSFORD-VICTOR ROAD  
PITTSFORD, NEW YORK 14534 U.S.A.  
TEL 585.255 1429  
FAX 585 381 6781  
WWW.GLOBALCROSSING.COM

4. Residential customers  
No.

5. Customer segments

The two customers served have 24 and 16 lines, respectively and are located in the NSVLTNDO wire center.

6. Customer locations.

See response to 5.

7. Switch location

See response to 1.

8. Wholesale switching

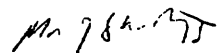
Global Crossing does not provide local switching services to other carriers.

9. Plans to terminate service.

Global Crossing has no plans to terminate service to the two customers identified above.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,



Michael J. Shortley, III



576719 ✓

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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THE CHRYSLER BUILDING  
405 LEXINGTON AVENUE  
NEW YORK, NY 10174  
TELEPHONE (212) 973-0111  
FACSIMILE (212) 891-9598

December 5, 2003

**VIA E-MAIL AND FIRST CLASS MAIL**

Guy M. Hicks, Esq.  
General Counsel  
BellSouth Telecommunications, Inc.  
Suite 2101  
333 Commerce Street  
Nashville, TN 37201-3300

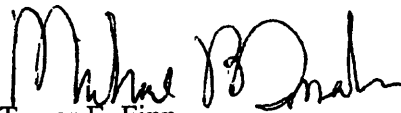
**Re: Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-Month Proceeding) (Switching) Docket  
No. 03-00491 - Depositions Schedule for December 8, 2003**

Dear Mr. Hicks:

In response to your letter of today, we are confirming that ICG Telecom Group, Inc. will be responding to BellSouth's subpoena by written responses in lieu of appearance at the deposition scheduled for Monday, December 8, 2003.

Should you have any questions concerning this matter, please do not hesitate to contact us.

Very truly yours,



Tamar E. Finn  
Michael P. Donahue

Counsel for ICG Telecom Group, Inc.

cc: Scott E. Beer  
Andrea Guzman

**Arnall  
Golden  
Gregory LLP**

Direct phone: 404.873.8536  
Direct fax: 404.873.8537  
E-mail: anne.gerry@agg.com  
www.agg.com

December 5, 2003

Guy M. Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300

Re: Tennessee Regulatory Authority; Implementation of the Federal  
Communications Commission's Triennial Review Order (Nine-  
Month Proceeding) (Switching); Docket No. 03-00491

Dear Mr. Hicks:

Knology of Knoxville, Inc. ("Knology – Knoxville"), was served with a Subpoena *Duces Tecum* for Deposition issued by the Tennessee Regulatory Authority ("TRA") on November 14, 2003. Per my telephone conversation with Carolyn Hanesworth, Knology – Knoxville is not a certificated competitive local exchange carrier in Tennessee, and we presume the Subpoena was served by mistake.

If you believe otherwise, or if you have any questions or comments, please do not hesitate to call.

Sincerely,

ARNALL GOLDEN GREGORY LLP

*Anne F. Gerry*  
Anne F. Gerry

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✓ Mays  
✓ Fadel



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December 5, 2003

Guy M. Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300

Re: Tennessee Regulatory Authority; Implementation of the Federal  
Communications Commission's Triennial Review Order (Nine-  
Month Proceeding) (Switching); Docket No. 03-00491

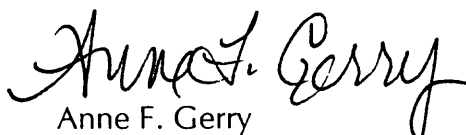
Dear Mr. Hicks:

Knology of Nashville, Inc. ("Knology – Nashville"), was served with a Subpoena *Duces Tecum* for Deposition issued by the Tennessee Regulatory Authority ("TRA") on November 14, 2003. Per my telephone conversation with Carolyn Hanesworth, Knology – Nashville is not a certificated competitive local exchange carrier in Tennessee, and we presume the Subpoena was served by mistake.

If you believe otherwise, or if you have any questions or comments, please do not hesitate to call.

Sincerely,

ARNALL GOLDEN GREGORY LLP

  
Anne F. Gerry

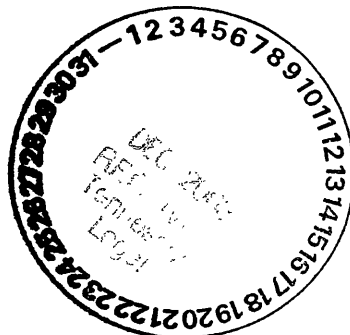
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Ellenberg

☒ Mays



1697501v1

**Arnall  
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Gregory LLP**

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E-mail: anne.gerry@agg.com  
www.agg.com

December 5, 2003



Guy M. Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300

Re: Tennessee Regulatory Authority; Implementation of the Federal  
Communications Commission's Triennial Review Order (Nine-  
Month Proceeding) (Switching); Docket No. 03-00491

Dear Mr. Hicks:

Knology of Tennessee, Inc. ("Knology"), by undersigned counsel, hereby responds to the questions set forth in the Subpoena *Duces Tecum* for Deposition issued by the Tennessee Regulatory Authority on November 14, 2003. Per my telephone conversation with Carolyn Hanesworth, this response is being provided in lieu of Knology's appearance at the deposition scheduled for December 8, 2003 at 4 p.m.

**Question No. 1:** Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLLI) of each switch used to provide qualifying service anywhere in the state of Tennessee that is owned by your company. If you lease, rent or otherwise obtain switching capacity on a switch that you do not own (other than from an incumbent Local Exchange Carrier), provide the same information regarding all such switches.

**Response:** Knology does not own any switch. Knology obtains switching capacity on a switch with the CLLI code WSPNGAXA03T.

**Question No. 2:** For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines that switch is equipped to provide. If you lease, rent or otherwise obtain capacity on someone else's switch, provide the DS0/voice grade equivalent access lines associated with the capacity you have obtained.

**Response:** Current voice grade access line capacity for WSPNGAXA03T is approximately 166,600.

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**Question No. 3:** For every switch identified in response to Question 1, provide the number of DS0/voice grade equivalent access lines current in use and state the date for which such information is provided.

**Response:** Knology objects to providing BellSouth, Knology's most significant business competitor, with the information requested in this Question No. 3 as it is "trade secret" and constitutes highly confidential and proprietary information. If requested, Knology will provide information related to the number of lines in use to the Tennessee Regulatory Authority ("TRA"), and will request confidential treatment thereof.

**Question No. 4:** State whether each switch identified in response to Question 1 serves residential customers.

**Response:** The switch identified in response to Question 1 serves residential customers.

**Question No. 5:** Does this switch serve customer locations with:

- a. 1 line only?
- b. 2 or fewer lines?
- c. 3 or fewer lines?
- d. 4 or fewer lines?
- e. 5 or fewer lines?
- f. 6 or fewer lines?
- g. 7 or fewer lines?
- h. 8 or fewer lines?
- i. 9 or fewer lines?
- j. 10 or fewer lines?

**Response:**

- a. Yes
- b. Yes
- c. Yes
- d. Yes
- e. Yes
- f. Yes
- g. Yes
- h. Yes
- i. Yes
- j. Yes

**Question No. 6:** For each grouping of customer locations identified in Question 5 (locations with 1 line, locations with 2 or fewer lines, etc.), provide:

a. The individual customer locations. Initially, it will be sufficient to provide these locations by wire center area. If that information is not readily available, then the information should be provided by actual customer address. To explain further, this question asks you to provide initially by wire center service area, the number of customer locations you serve that have one line, two lines or fewer, three lines or fewer, etc. If you cannot provide the information by wire center service area, then provide this information by actual customer location, i.e., Customer A is located at 1234 Nashville, Tennessee, and has one line, and so forth.

b. The number of lines at each location that are used to provide voice service, and the number of lines that are used to provide data service, identified separately. If each line is used to provide both voice and data, so indicate.

c. If you know that the specific customer location is served by lines provided by another CLEC, or by an ILEC, provide the number of DS0/voice grade equivalent lines provided at each customer location by other CLECs or ILECs.

**Response:**

a. Knology objects to providing BellSouth, Knology's most significant business competitor, with the information requested in this Question No. 6(a) as it is "trade secret" and constitutes highly confidential and proprietary information. If requested, Knology will provide information related to the number of lines in use to the TRA, and will request confidential treatment thereof.

b. Knology objects to providing BellSouth, Knology's most significant business competitor, with the information requested in this Question No. 6(b) as it is "trade secret" and constitutes highly confidential and proprietary information. If requested, Knology will provide information related to the number of lines in use to the TRA, and will request confidential treatment thereof.

c. Knology has no knowledge of whether any specific customer locations are served by lines provided by another CLEC, or by an ILEC.

**Question No. 7:** Provide the street address (e.g., 123 Main Street), the city (e.g., Nashville), and the state (e.g., TN) where every switch identified in response to Question 1 is located.

**Response:** The switch identified in response to Question 1 is located at 910 First Avenue, West Point, Georgia 31833

**Question No. 8:** Do you offer to provide or do you provide switching to other carriers for their use in serving customers? If yes, state: (a) the carriers to whom you provide switching; (b) the types of service, if known, that are provided by the carriers to whom you provide switching; (c) whether you will provide switching to any requesting carrier; (d) identify each wire center district (by eight digit CLLI code) in which wholesale switching is available.

**Response:** Knology does not provide switching to other carriers for their use in serving customers.

**Question No. 9:** State whether you have any plans to terminate your service in any area in Tennessee that is currently served by the switches identified in response to Question 1. If you do, identify the areas where you intend to terminate service (and by areas we mean geographic areas, no individual customers).

**Response:** Knology currently has no plans to terminate service in Tennessee that is currently served by the switches identified in response to Question 1.

Sincerely,

ARNALL GOLDEN GREGORY LLP

  
Anne F. Gerry

577172

V



BOULT • CUMMINGS  
CONNERS • BERRY PLC

Henry Walker  
(615) 252-2363  
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Email: hwalker@boultcummings.com

December 5, 2003

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St.  
Nashville, Tennessee 37201-3300

Re: *Implementation of the Federal Communications Commission's Triennial  
Review Order (Nine-month Proceeding)(Switching)  
Subpoena to Loadpoint  
Docket No. 03-00491*


Dear Guy:

I am writing on behalf of Loadpoint Communications, LLC, in response to the subpoena duces tecum issued by the TRA, at BellSouth's request, on November 14, 2003.

Loadpoint responds as follows to the questions asked in the subpoena: Loadpoint owns no switches and neither offers or provides any switched services other than through the use of ILEC switches. Therefore, Loadpoint responds "not applicable" to each of the questions asked.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:   
Henry Walker

HW/pp

Cc: All Parties  
Ken Russell

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2003, a copy of the foregoing document was serviced on the parties of record, via US mail:

Guy Hicks  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201

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Farris, Mathews, et. Al  
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Nashville, TN 37219

Timothy Phillips, Esquire  
Office of Tennessee Attorney General  
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Nashville, Tennessee 37202

H. LaDon Baltimore, Esquire  
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Wake Forest, NC 27587

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South Central States, LLC  
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Ms. Carol Kuhnow  
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ITC^DeltaCom  
4092 South Memorial Parkway  
Huntsville, AL 35802

  
\_\_\_\_\_  
Henry Walker

515988



November 28, 2003

**VIA FIRST CLASS MAIL AND FACSIMILE (615) 214-7406**

Guy Hicks, General Counsel  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300

Re: FCC Triennial Review Order – Docket No. 03-00491

Dear Mr. Hicks:

Per your letter dated November 14, 2003, and our conversation earlier this week, this is written notification that we are not a switch based service provider. As we stated in a previous letter, we provide non-switch based SONET Transport, Metro Ethernet, Optical Wavelength and Collocation Services. I have enclosed this letter to Kathy Blake for your convenience.

I have also enclosed a copy of our brochure for your records to further show that we do not market our services as a switch based provider. To that end, review this letter and the attached information and accept it as a full and complete response to your letter dated November 14, 2003. Written acceptance can be sent to my attention via the address or facsimile listed at the bottom of the page.

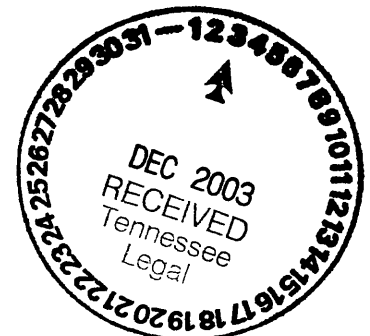
Please call me or Joyce Patterson on 901.213.5112 to confirm receipt of this correspondence or if you have questions or concerns.

Yours truly,

Charles G. Elliott  
Director of Service Operations

Enclosures (2)

cc: Joyce Patterson - Memphis Networkx  
John Knox Walkup - Wyatt, Tarrant & Combs





October 6, 2003

Kathy Blake  
BellSouth Telecommunications  
36M66 Southern Bell Center  
675 West Peachtree Street, NE  
Atlanta, Georgia 30375

Dear Kathy,

Per your letter dated October 3, 2003(enclosed), I am confirming that we **do not** offer wholesale switching services. The information you gathered was not from our website. We offer SONET Transport, Ethernet, Optical Wavelength and Collocation services. I have enclosed our website "Services" and "Home" page for your convenience.

The information you garnered was within an industry publication - Phone Plus Magazine. Please ensure in the future, that you only acquire information from our website - [www.memphisnetworkx.com](http://www.memphisnetworkx.com). If you have any questions or concerns, please feel free to call me on (901) 507-2105.

Yours truly,

A handwritten signature in black ink, appearing to read "Charles G. Elliott".

Charles G. Elliott  
Director of Marketing & Service Operations

Enclosures(5)

LAW OFFICES

**STRANG, FLETCHER, CARRIGER, WALKER, HODGE, & SMITH, PLLC**

CARLOS C. SMITH  
WILLIAM C. CARRIGER  
RICHARD T. HUDSON  
FREDERICK L. HITCHCOCK  
EWING STRANG  
LARRY L. CASH \*  
CHRISTINE MABE SCOTT \*  
J. ROBIN ROGERS \* \*  
G. MICHAEL LUHOWIAK  
GREGORY D. WILLETT  
MARK W. SMITH \*  
STEPHEN D. BARHAM  
  
OF COUNSEL  
ROBERT KIRK WALKER  
MICHAEL A. KENT

400 KRYSTAL BUILDING  
ONE UNION SQUARE  
CHATTANOOGA, TENNESSEE 37402-2514  
TELEPHONE 423-265-2000  
FACSIMILE 423-756-5861

December 5, 2003

S. BARTOW STRANG  
1882-1954  
JOHN S. FLETCHER  
1879-1981  
JOHN S. CARRIGER  
1902-1989  
JOHN S. FLETCHER, JR.  
1911-1974  
ALBERT L. HODGE  
1910-1997  
F. THORNTON STRANG  
1920-1999

\*ALSO LICENSED IN GEORGIA  
\*ALSO LICENSED IN ALABAMA

Guy M. Hicks, Esq., General Counsel  
BellSouth Telecommunications, Inc.  
Suite 2101  
333 Commerce Street  
Nashville, TN 37201-3300

Re: Docket No. 03-00491

Dear Guy:

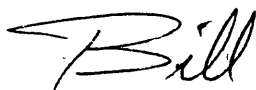
As you know Bob Corker, Mayor of the City of Chattanooga, was interested in making available to businesses in Chattanooga high speed internet service. The vehicle to carry out the Mayor's vision was a newly chartered corporation called MetroNet. The Mayor enlisted the Electric Power Board of Chattanooga ("EPB") to furnish technical support. In that capacity the Subpoena Duces Tecum served on MetroNet was turned over to EPB.

There developed some difficulties with the internet access that was suppose to be made available to MetroNet. MetroNet has no employees and no customers. MetroNet never began operations. It is my understanding that equipment consisting of seven core builders and one GSR Cisco router were donated to MetroNet, but there are no plans to use that equipment.

According to the Secretary of State's website, MetroNet was administratively dissolved on September 19, 2003.

Having furnished this information, you indicated it would not be necessary to respond to the Subpoena Duces Tecum. If our understanding is not correct, please advise.

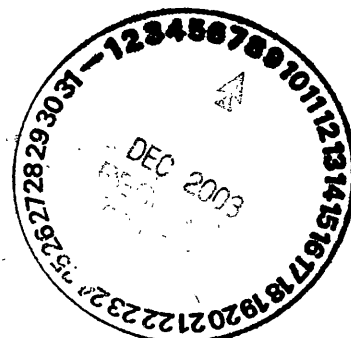
Sincerely yours,



William C. Carriger  
For the Firm

WCC:tm  
EPB/TEL - #227

cc: Ansley T. Moses, Esq.



**MILLER & MARTIN LLP**

ATTORNEYS AT LAW

SUITE 1000 VOLUNTEER BUILDING

832 GEORGIA AVENUE

CHATTANOOGA, TENNESSEE 37402-2289

423/756-6600

FAX 423/785-8480

**ANSLEY T. MOSES**

CHATTANOOGA OFFICE

DIRECT DIAL: 423-785-8371

DIRECT FAX: 423-321-1548

E-MAIL: amoses@millermartin.com

NASHVILLE OFFICE:

1200 FIRST UNION TOWER

150 4<sup>th</sup> AVENUE, NORTH

NASHVILLE, TENNESSEE 37219-2433

615/244-9270

FAX 615/256-8197

ATLANTA OFFICE  
1275 PEACHTREE STREET, N E  
SEVENTH FLOOR  
ATLANTA, GEORGIA 30309-3576  
404/962-6100  
FAX 404/962-6300

December 8, 2003

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Guy M. Hicks, Esq.  
General Counsel  
BellSouth Telecommunications, Inc.  
Suite 2101, 333 Commerce Street  
Nashville, Tennessee 37201-3300


Re: Implementation of the Federal Communications Commission's  
Triennial Review Order, Docket Nos. 03-00491 and 03-00527

Dear Mr. Hicks:

This letter is in response to the Subpoena Duces Tecum dated November 14, 2003, and December 2, 2003, issued to MetroNet, Incorporated, in the above noted proceedings. Please note that MetroNet, Incorporated, was administratively dissolved by the Secretary of State of Tennessee on September 19, 2003. A copy of the notice from the Secretary of State is enclosed for your records.

If you have any questions or need any additional information at this time, please feel free to contact the undersigned.

Sincerely,



Ansley T. Moses

ATM: sd  
Attachment

cc: Mr. Michael Compton  
William C. Carriger, Esq.  
James M. Haley IV, Esq.



4915 2006

SECRETARY OF STATE  
CORPORATIONS SECTION  
WILLIAM R. SNODGRASS TOWER  
312 EIGHTH AVENUE NORTH - SIXTH FLOOR  
NASHVILLE, TENNESSEE 37243-0306

EFFECTIVE DATE: 09/19/03  
TELEPHONE CONTACT: (615) 741-2286  
CONTROL NUMBER: 0421627

ANSLEY T. MOSES  
SUITE 1000 VOL BLDG  
832 GEORGIA AVENUE  
CHATTANOOGA, TN 37402

RE: METRONET, INCORPORATED

**CERTIFICATE OF ADMINISTRATIVE DISSOLUTION**

Pursuant to the provisions of Sections 48-24-202 or 48-25-302 of the Tennessee Business Corporation Act or Sections 48-64-202 or 48-65-302 of the Tennessee Nonprofit Corporation Act, respectively, this constitutes notice that the above corporation, and any associated assumed name(s) is hereby administratively dissolved, if a Tennessee corporation, or that its certificate of authority is revoked, if a foreign corporation, for the following reason(s):

For failure to file the Corporation Annual Report, as required by Chapter 16 of the Tennessee Business Corporation Act or the Tennessee Nonprofit Corporation Act.

The corporation or its certificate of authority may be reinstated upon the elimination of the above indicated ground(s) and the filing of an application for reinstatement. The corporate name must be available and otherwise satisfy the requirements of Section 48-14-101 of the Tennessee Business Corporation Act or Section 48-54-101 of the Tennessee Nonprofit Corporation Act. The reinstatement application fee is Seventy Dollars (\$70.00).

**TDS Telecom**  
**TENNESSEE REGULATORY AUTHORITY**  
**DOCKET No. 03-00491**  
**MATTERS UPON WHICH EXAMINATION IS REQUESTED**  
**PURSUANT TO T.C.A. § § 4-5-311 AND 65-2-102**

1. Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLLI™) of each switch used to provide qualifying service<sup>1</sup> anywhere in the state of Tennessee that is owned by your company. If you lease, rent or otherwise obtain switching capacity on a switch that you do not own (other than from an incumbent Local Exchange Carrier), provide the same information regarding all such switches.

Response: See Exhibit TDS\_1 column 3.

2. For every switch identified the response to Question 1, provide the number of DS0/voice grade equivalent access lines that switch is equipped to provide. If you lease, rent or otherwise obtain capacity on someone else's switch, provide the DS0/voice grade equivalent access lines associated with the capacity you have obtained.

Response: See Exhibit TDS\_1 column 4.

3. For every switch identified in response to Question 1, provide the number of DS-O/voice grade equivalent access lines current in use and state the date for which such information is provided.

Response: See Exhibit TDS\_1 column 5 and 6.

4. State whether each switch identified in response to Question 1 serves residential customers.

Response: See Exhibit TDS\_1 column 7.

---

<sup>1</sup> A "qualifying service" is a telecommunications service that competes with a telecommunications service that has traditionally the exclusive or primary domain of incumbent LECs, including, but not limited to, local exchange service, such as plain old telephone service, and access services, such as digital subscriber line services and high-capacity circuits. 47 C.F.R § 51.5.

5. Does this switch serve customer locations with:

- a. 1 line only?
- b. 2 or fewer lines?
- c. 3 or fewer lines?
- d. 4 or fewer lines?
- e. 5 or fewer lines?
- f. 6 or fewer lines?
- g. 7 or fewer lines?
- h. 8 or fewer lines?
- i. 9 or fewer lines?
- j. 10 or fewer lines?

Response: See Exhibit TDS\_2 marked CONFIDENTIAL.

6. For each grouping of customer locations identified in Question 5 (locations with 1 lines, locations with 2 or fewer lines, etc.), provide:

- a. The individual customer locations. Initially, it will be sufficient to provide these locations by wire center service area. If that information is not readily available, then the information should be provided by actual customer address. To explain further, this question asks you to provide, initially by wire center service area, the number of customer locations you serve that have one line, two lines, or fewer, three lines or fewer, etc. If you cannot provide the information by wire center service area, then provide this information by actual customer location, i.e. Customer A is located at 1234 Broadway, Nashville, Tennessee, and has one line, and so forth.
- b. The number of lines at each location that are used to provide voice service, and the number of lines that are used to provide data service, identified separately. If each line is used to provide both voice and data, so indicate.
- c. If you know that the specific customer location is served by lines provided by another CLEC, or by an ILEC, provide the number of DSO/voice grade equivalent lines provided at each customer location by other CLECs or ILECs.

Response: See Exhibit TDS\_2 marked CONFIDENTIAL.

7. Provide the street address (e.g., 123 Main Street), the city (e.g., Nashville), and the state (e.g., TN) where every switch identified in response to Question 1 is located.



Response: See Exhibit TDS\_1 column 8.

8. Do you offer to provide or do you provide switching to other carriers for their use in serving customers? If yes, state: (a) the carriers to whom you provide switching; (b) the types of service, if known, that are provided by the carriers to whom you provide switching; (c) whether you will provide switching to any requesting carrier; (d) identify each wire center district (by eight digit CLLI code) in which wholesale switching is available.

Response: See Exhibit TDS\_1 column 9.

9. State whether you have any plans to terminate your service in any area in Tennessee that is currently served by the switches identified in response to Question 1. If you do, identify the areas where you intend to terminate service (and by areas we mean geographic areas, not individual customers).

Response: See Exhibit TDS\_1 column 10.

# TelCove

Advanced • Secure • Communications

www.telcove.com

PHONE: 814-260-2802

FAX: 814-260-2026

## FACSIMILE TRANSMITTAL SHEET

TO:

Guy Hicks

FROM:

Jennifer Anderson

COMPANY:

Bell South

DATE:

12/4/03

FAX NUMBER:

615-214-7406

TIME:

PHONE NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

5

RE:

TN TRO 03-00491

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

NOTES/COMMENTS:

Per our conversation - please call with  
questions or concerns.

Regards, Jennifer

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE U.S. POSTAL SERVICE.

TELCOVE  
712 North Main Street  
Coudersport, PA 16915

576691

Legal Department

Meredith E. Mays  
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.  
675 W. Peachtree St.  
Suite 4300  
Atlanta, GA 30375  
(404) 335-0750

November 17, 2003

**Via Electronic Mail (terry.romine@telcove.com) and U.S. Mail**

Terry Romine  
Deputy General Counsel – Operations  
Adelphia Business Solutions Investment LLC d/b/a Telcove  
712 N. Main Street  
Coudersport, PA 16915

**Re: Docket Nos. 030851-TP and 030852-TP**

Dear Terry:

This letter serves as BellSouth's request that the following entities, ADELPHIA BUSINESS SOLUTIONS INVESTMENT LLC d/b/a TELCOVE, and ADELPHIA BUSINESS SOLUTIONS OF JACKSONVILLE, INC. d/b/a TELCOVE, provide BellSouth with complete copies to staff's data requests in the above dockets. Staff's data requests can be accessed at the following link:

<http://www.psc.state.fl.us/industry/telecomm/triennial/index.cfm>

BellSouth requests Adelphia's responses to the switching questions propounded by staff by or before November 24, 2003. BellSouth also requests copies of Adelphia's responses to staff's loop/transport data requests on December 3, 2003.

BellSouth has withdrawn its request for a subpoena from the Tennessee Regulatory Authority in Docket No. 03-00491. Instead, this letter serves as BellSouth's request that Adelphia Business Solutions of Nashville L.P. provide responses related to its Tennessee operations in the identical format; that is, that Adelphia provide Tennessee specific information in the format propounded by the Florida Public Service Commission on the following dates: Switching – on or before December 26, 2003; Loop/Transport – on or before January 6, 2004.

We also discussed pending discovery that various Adelphia entities have been served with in Georgia, North Carolina, and Kentucky. It is my understanding that Adelphia is currently in the process of preparing responses to these requests. If that is incorrect, or we need to discuss the timing of these responses, let me know.

TN

November 17, 2003

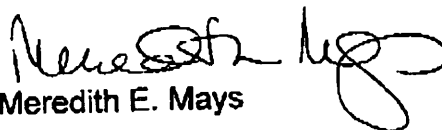
Page 2

BellSouth anticipates that, in connection with ongoing TRO proceedings in its region, it will need switch and loop/transport related data concerning Adelphia's operations in all of the nine BellSouth states. I have provided your contact information to our state offices, which offices will serve you directly with copies of future discovery requests. I have also listed below my understanding of the Adelphia entities that operate in the BellSouth region for the purposes of identifying the correct entity for discovery purposes. Please let me know if any of this information is incorrect.

AL ADELPHIA BUSINESS SOLUTIONS OPERATIONS, INC. d/b/a  
TELCOVE  
FL: ADELPHIA BUSINESS SOLUTIONS INVESTMENT LLC d/b/a TELCOVE  
ADELPHIA BUSINESS SOLUTIONS OF JACKSONVILLE, INC. d/b/a  
TELCOVE  
GA: ADELPHIA BUSINESS SOLUTIONS OPERATIONS, INC. d/b/a  
TELCOVE  
KY: ADELPHIA BUSINESS SOLUTIONS OF KENTUCKY d/b/a TELCOVE  
LA: ADELPHIA BUSINESS SOLUTIONS OF LOUISIANA d/b/a TELCOVE  
MS: ADELPHIA BUSINESS SOLUTIONS OPERATIONS, INC. d/b/a  
TELCOVE  
NC: ADELPHIA BUSINESS SOLUTIONS OPERATIONS, INC. d/b/a  
TELCOVE  
SC: ADELPHIA BUSINESS SOLUTIONS OF SOUTH CAROLINA, INC.,  
TN: ADELPHIA BUSINESS SOLUTIONS OF NASHVILLE L.P.

Thank you, and do not hesitate to contact me if you have any questions.

Sincerely,

  
Meredith E. Mays



BellSouth Telecommunications, Inc.  
Suite 2101  
333 Commerce Street  
Nashville, TN 37201-3300  
guy.hicks@bellsouth.com

Guy M. Hicks  
General Counsel

615 214-6301  
Fax 615 214-7406

December 3, 2003

Adelphia Business Solutions of Nashville, LP  
Corporation Service Company  
2 Union Square, Suite 500  
Chattanooga, TN 37402-2571

Re: *Implementation of the Federal Communications Commission's Triennial  
Review Order (Nine-month Proceeding)(Switching)*  
Docket No. 03-00491

**DEPOSITIONS SCHEDULED FOR DECEMBER 8, 2003**

Dear Registered Agent:

We served a subpoena on your company and a number of other non-parties in the above referenced docket on November 14, 2003. To date, we have received a number of written responses from other non-parties indicating their intention to provide written responsive materials in lieu of appearance at the deposition scheduled for Monday, December 8, 2003. We have not, however, received indication whether you intend to appear in person or intend to provide documents in lieu of a personal appearance. This letter is to request confirmation of your intentions so that we may arrange for a court reporter for depositions if necessary. As stated in the subpoena, please contact Carolyn Hanesworth at 615/214-6324 with this information.

Very truly yours,

A handwritten signature in black ink, appearing to be "Guy M. Hicks", written over a horizontal line.

Guy M. Hicks

GMH:ch

517175



December 8, 2003

**VIA ELECTRONIC MAIL AND FEDEX**

Guy M. Hicks, Esq.  
General Counsel  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300


**Re: Docket No. 03-00491**

Dear Mr. Hicks:

We have reviewed the questions set forth in the Attachment ("Matters upon which examination is requested per T.C.A. §§ 4-5-311 and 65-2-102") to the Subpoena Duces Tecum for Deposition issued by the Tennessee Regulatory Authority and have confirmed that Williams Communications, LLC does not own any switch used to provide qualifying service anywhere in the state of Tennessee, nor does it lease, rent or otherwise obtain such a switch from an Incumbent Local Exchange Carrier.

Please do not hesitate to contact me with any questions. You can reach me by telephone at 918 547 2764 or via email at [adam.kupetsky@wiltel.com](mailto:adam.kupetsky@wiltel.com). Thank you very much.

Sincerely,

  
Adam Kupetsky  
Director of Regulatory  
Regulatory Counsel

cc: Richard Collier, General Counsel, TRA

Distribution:  
☒ Spalding  
☒ Hobbs  
☒ Phillips  
☐ Culpepper

☒ Lackey  
☐ Edenfield  
☐ Carver  
☐ Hogeman

☒ Shore  
☐ Marcus  
Foshee  
Ellenberg

☒ Mays  
☐ Fadel

519675

**MILLER & MARTIN LLP**

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1200 ONE NASHVILLE PLACE

150 FOURTH AVENUE NORTH

NASHVILLE, TENNESSEE 37219-2433

615/244-9270

FAX 615/256-8197

OR

615/744-8466

WRITER'S DIRECT NUMBER  
615/744-8572

ATLANTA OFFICE:

1275 PEACHTREE STREET, N.E.

SUITE 700

ATLANTA, GEORGIA 30309-3576

404/962-6100

FAX 404/962-6300

CHATTANOOGA OFFICE

SUITE 1000, VOLUNTEER BUILDING

832 GEORGIA AVENUE

CHATTANOOGA, TENNESSEE 37402-2289

423/756-6600

FAX 423/785-8480

MELVIN J. MALONE  
NASHVILLE OFFICE

E-MAIL ADDRESS:  
mmalone@mullermartin.com

December 23, 2003

**VIA HAND DELIVERY**

Guy M. Hicks

Joelle J. Phillips

BellSouth Telecommunications, Inc.

333 Commerce Street, Suite 2101

Nashville, Tennessee 37201-3300

**RE: In Re: Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding) (Loop & Transport)  
TRA Docket No. 03-00527**

***Subpoena Duces Tecum for Deposition***

Dear Mr. Hicks & Ms. Phillips:

As you know, BellSouth Telecommunications, Inc. ("BellSouth") granted Verizon Wireless an extension of time in which to produce or otherwise respond to the Subpoena *Duces Tecum* for Deposition (the "Subpoena") served upon Verizon Wireless. In follow up discussions concerning the extension of time, BellSouth communicated to Verizon Wireless that a general, abbreviated response may suffice and obviate the need for a formal production or other response, including objections of whatever nature. Consistent with said discussions and in a good faith attempt to assist both BellSouth and the Tennessee Regulatory Authority, Verizon Wireless submits the following abbreviated response. In submitting this abbreviated response, as requested by BellSouth, Verizon Wireless does not waive any objections and/or challenges whatsoever related to the Subpoena.

**Verizon Wireless' Abbreviated Response to the Subpoena:**

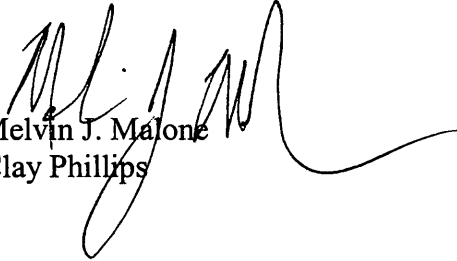
To the best of its knowledge, Verizon Wireless does not own transport facilities, as defined in the Subpoena, in the State of Tennessee nor does Verizon Wireless engage in wholesale operations in the State of Tennessee. Verizon Wireless does not own fiber rings in the State of Tennessee. Verizon Wireless does own private microwave transport facilities in the

Letter to Hicks/Phillips  
December 23, 2003  
Page 2

State of Tennessee, but does not wholesale any capacity on these microwave facilities to other entities.

We trust that the above abbreviated response is satisfactory to BellSouth.

Very truly yours,

  
Melvin J. Malone  
Clay Phillips

MJM/lw



**FRIEND, HUDAK & HARRIS, LLP**

ATTORNEYS AT LAW

SUITE 1450

THREE RAVINIA DRIVE

ATLANTA, GEORGIA 30346-2117

(770) 399-9500

FACSIMILE (770) 395-0000

EMAIL: fh2@fh2.com

December 18, 2003

RECEIVED  
FBI  
DEC 22 2003

**VIA HAND DELIVERY**

Mr. Reece McAlister  
Executive Secretary  
Georgia Public Service Commission  
244 Washington Street, S.W.  
Atlanta, Georgia 30334

Re: Federal Communications Commission's Triennial Review Order Regarding  
the Impairment of High Capacity Enterprise and Dedicated Transport Loops;  
Docket No. 17741-U

Dear Mr. McAlister:

Enclosed are an original and three (3) copies of XO Georgia, Inc. Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and First Requests for Production of Documents in the above-referenced docket. Please file the document in your usual fashion and return one (1) file-stamped copy to us in the enclosed envelope.

Also, enclosed is an Electronic Filing Transmittal Sheet and diskette containing the document in pdf format.

If you have any questions or comments, please call.

Sincerely,



Brad S. Macdonald

BSM/jh

Enc.

cc: XO Georgia, Inc.  
(with enclosure)  
Charles A. Hudak, Esq.  
(with enclosure)

**BEFORE THE  
GEORGIA PUBLIC SERVICE COMMISSION**

IN RE:	)	
	)	
FEDERAL COMMUNICATIONS	)	
COMMISSION'S TRIENNIAL REVIEW	)	DOCKET NO.: 17741-U
ORDER REGARDING THE	)	
IMPAIRMENT OF HIGH CAPACITY	)	
ENTERPRISE AND DEDICATED	)	
TRANSPORT LOOPS	)	

**XO GEORGIA, INC.'S OBJECTIONS TO  
BELLSOUTH'S FIRST SET OF INTERROGATORIES AND  
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW XO Georgia, Inc. ("XO"), by and through its undersigned counsel, and hereby files with the Georgia Public Service Commission (the "Commission") these Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories (each an "Interrogatory," and collectively, the "Interrogatories") and First Requests for Production of Documents (each a "Request," and collectively, the "Requests") in the above-styled proceeding.

In accordance with the Procedural and Scheduling Order and the Order Establishing Procedure (collectively, the "Procedural Orders") issued by the Commission on October 21, 2003 and October 27, 2003, respectively, XO submits the following objections to the Interrogatories and Requests. These objections are preliminary in nature. Should additional grounds for objection be discovered as XO prepares its responses to any discovery, XO reserves the right to amend, revise and supplement these objections as it deems appropriate.

## **GENERAL OBJECTIONS**

XO hereby asserts the following general objections to the Interrogatories:

1.

XO objects to the "Definitions" section, the "General Instructions," and the individual Interrogatories and Requests to the extent that they are overly broad, unduly burdensome, and/or oppressive. XO will attempt to identify individual Interrogatories and Requests to which this objection applies within the specific objections set forth below.

2.

XO objects to the "Definitions," the "General Instructions," and the individual Interrogatories and Requests to the extent they seek information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. By way of illustration and not limitation, XO objects to Interrogatories and Requests that seek information and/or documents that are unrelated to or inconsistent with the methodology and parameters of the analysis of impairment prescribed by the Federal Communications Commission (the "FCC") in its Triennial Review Order. XO will attempt to identify individual Interrogatories and Requests to which this general objection is applicable within the specific objections that follow.

3.

XO objects to the "Definitions," the "General Instructions," and the individual Interrogatories and Requests to the extent they are vague, ambiguous, imprecise, or utilize terms that are subject to multiple interpretations and are not properly defined or explained for purposes of providing a response.

4.

XO objects to the "General Instructions" and the Interrogatories and Requests to the extent that they seek to impose discovery obligations on XO that exceed the scope of discovery allowed by applicable Georgia law and rules of civil procedure.

5.

XO objects to the Interrogatories and Requests to the extent that they, individually or collectively, seek discovery of materials and/or information protected by the attorney/client privilege, the work product doctrine or any other applicable privilege.

6.

XO objects to the Interrogatories and Requests to the extent that they, individually or collectively, would require disclosure of information or documents that constitute trade secrets and/or confidential, proprietary business information, which either should not be disclosed at all or should be disclosed (provided the information is otherwise discoverable) only pursuant to the terms of a mutually acceptable confidentiality agreement and the Commission's rules and procedures relating to confidential and proprietary information.

7.

XO objects to all Interrogatories and Requests that would require XO to provide information and/or documents already in BellSouth's possession (as a consequence, for instance, of the billing information BellSouth uses to submit bills to XO) or is in the public record before the Commission. To duplicate information and/or documents that BellSouth already has or are readily available to BellSouth would be unduly burdensome and oppressive.

8.

XO objects to the Interrogatories and Requests to the extent they seek to impose an obligation on XO to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such Interrogatories and Requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

9.

XO objects to any Interrogatory or Request that is not limited in time or are not limited to a time period that is relevant to the issues before the Commission and/or reasonably related to BellSouth's legitimate discovery needs.

10.

XO objects to all Interrogatories and Requests seeking "any", "all", and "every", document as overbroad and unduly burdensome.

11.

XO objects to any Interrogatory and Request that seeks to obtain information related to all states in BellSouth's nine-state region. XO will respond, to the extent an Interrogatory or Request is not otherwise objectionable, when applicable to Georgia. Interrogatories and Requests seeking information as to states other than Georgia are irrelevant, overly broad and unduly burdensome. Any answers provided by XO in response to the Interrogatories and Requests will be provided subject to, and without waiver of, the foregoing objection.

12.

In the course of its business, XO creates countless documents that are not subject to Commission or FCC retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs

or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to the Interrogatories and Requests. XO will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the Interrogatories and Requests purport to require more, XO objects on the grounds that compliance would impose an undue burden or expense.

### **SPECIFIC OBJECTIONS TO INTERROGATORIES**

XO hereby incorporates by reference the above General Objections. To the extent possible, given the constraints of the ten (10) day preliminary objection period set forth in the Procedural Orders, XO will attempt to identify individual items that are objectionable.

### **13.**

**INTERROGATORY 4:** For each state in Question 1 that you answered in the affirmative (that you have deployed or self-provide high capacity transport for use in your own operations), provide a list of all the paired ILEC CO to ILEC CO routes on which you have deployed such facilities identifying:

- a. The CLLI codes of the paired ILEC CO locations that make up each and every route. In each case show the “low alpha” (alphabetically first) CLLI code as Wire Center A and the “high alpha” CLLI code as Wire Center Z. (Provide the full 11 character CLLI.)
- b. Whether your self-provided transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code for the collocation arrangement.
- c. Whether your self-provided transport facilities are provisioned entirely on facilities you own (as defined in Question 1).

- d. If any of your self-provided transport facilities include facilities obtained through third parties (Yes, No); if your response is yes, indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are able to immediately provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**OBJECTION:** XO objects to this Interrogatory to the extent it seeks proprietary customer and/or vendor identifying information that is not relevant to the issues before the Commission. Further, to the extent this Interrogatory seeks information already in BellSouth's possession, XO objects to this Interrogatory as unduly burdensome and oppressive.

**14.**

**INTERROGATORY 5:** For each state in Question 2 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher, or dark fiber capacity transport) provide a list of all ILEC CO to ILEC CO routes along which you provide such transport identifying:

- a. The CLLI codes of the paired ILEC CO locations that make up the end points of each and every route. In each case show the "low alpha" (alphabetically first) CLLI code as Wire Center A and the "high alpha" CLLI code as Wire Center Z. (Provide the full 11 character CLLI.)
- b. Whether your wholesale transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251

(c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code of the collocation arrangement.

- c. Whether your wholesale transport services are provisioned entirely on facilities you own (as defined in Question 2).
- d. If any of your self-provided transport facilities include facilities obtained through third parties, indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are willing and able immediately to provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**OBJECTION:** XO objects to this Interrogatory to the extent it seeks proprietary customer and/or vendor identifying information that is not relevant to the issues before the Commission. Further, to the extent this Interrogatory seeks information already in BellSouth's possession, XO objects to this Interrogatory as unduly burdensome and oppressive.

15.

**INTERROGATORY 12:** For each state in Question 8 and 10 that you answered in the affirmative (that you have self-provided or obtained from a third party other than the ILEC or a CLEC that is a party to this proceeding high capacity loops or dark fiber for use in your own operations in providing retail service to your customers) provide a



list of the customer locations to which you have deployed such loops, (in electronic format using the attached spreadsheets)<sup>1</sup> identifying:

- a. The RSAG valid address of each customer location.
- b. The CLLI code of the CLEC switch, wire center, collocation, point of interconnection, etc., from which the loop is extended to the customer location. (Provide the full 11-character CLLI.)
- c. Indicate whether the facility is wholly owned by you (Yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis (Yes, No).
- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intra building wire as the ILEC. If no, explain in detail any restrictions on your ability to serve customers and explain any and all actions you have taken to address such restrictions.
- f. The capacity deployed and capacity activated to the specific location as of September 30, 2003.

**OBJECTION:** XO objects to this Interrogatory to the extent it seeks proprietary customer and/or vendor identifying information that is not relevant to the issues before the Commission. Further, to the extent this Interrogatory seeks information already in

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<sup>1</sup> Spreadsheet sent via electronic mail; hard copies provided via U.S. Mail.

BellSouth's possession, XO objects to this Interrogatory as unduly burdensome and oppressive.

16.

**INTERROGATORY 13:** For each state in Questions 9 and 11 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher capacity loops) provide a list of the customer locations to which you have provided such loops (in electronic format using the attached spreadsheets),<sup>2</sup> identifying:

- a. The RSAG valid address of each customer location.
- b. The CLLI code of the location from which the loop is extended to the customer location. (Provide the full 11-character CLLI.)
- c. Indicate whether the facility is wholly owned by you (Yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis or UNE basis (Yes, No).
- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intra building wire as the ILEC. If no, explain in detail any restrictions on your ability to serve customers and explain any and all actions you have taken to eliminate such restrictions.

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<sup>2</sup> Spreadsheet sent via electronic mail; hard copies provided via U.S. Mail.

- f. Indicate whether other carriers have access to these wholesale facilities at a technically feasible point (e.g., manhole, meet point, collocation, etc).
- g. The capacity deployed and capacity activated to the specific location as of September 30, 2003.

**OBJECTION:** XO objects to this Interrogatory to the extent it seeks proprietary customer and/or vendor identifying information that is not relevant to the issues before the Commission. Further, to the extent this Interrogatory seeks information already in BellSouth's possession, XO objects to this Interrogatory as unduly burdensome and oppressive.

17.

**INTERROGATORY 14:** Provide a list of all BellSouth wire centers in the Southeastern states to which you are currently in the process of deploying, or plan to deploy transport facilities and/or loop facilities. List wire centers if this deployment is in process or will take place from the time period beginning October 1, 2003 through December 31, 2004.

**OBJECTION:** XO objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. XO further objects that the Interrogatory is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Interrogatory seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

18.

**INTERROGATORY 15:** List all BellSouth wire centers in the Southeastern states where you have collocation, either virtual or physical. In Microsoft Excel format, list the 11-character wire center CLLI code and the CLLI code designating each arrangement you have within that wire center. For each wire center listed identify:

- a. The type of collocation (caged, cageless, shared, virtual, other (with a description) and identify the total amount of space currently occupied and reserved for future growth;
- b. The type of equipment and number of equivalent DS0 channels for all services in the collocation space (e.g. DLC, remote switches, multiplexers, transmission terminals, etc.).
- c. The transmission facilities and number of equivalent DS0 channels for all services used to connect the office to your switch or non-ILEC switching provider (e.g., BellSouth UNEs, BellSouth special access, self provision, third party provision).
- d. The amount of unused or excess space in each collocation space.
- e. The number of active and inactive DS1 cross connects.
- f. The number of active and inactive DS3 cross-connects.
- g. The number of active and inactive 2-fiber cross-connects.
- h. The number of active and inactive 4-fiber cross-connects.
- i. State whether you have deployed fiber "entrance" facilities that you own which connect to the collocation arrangements identified.
- j. State whether you have fiber "entrance" facilities that you have obtained from a person other than BellSouth which connect to the collocation arrangements identified.

- k. State whether you have fiber cross-connects which connect the identified arrangement(s) to other persons collocated at the same wire center. If yes, (i) identify all carriers to which your arrangements are connected within the wire center; and (ii) identify the capacity or type of connection.

**OBJECTION:** XO objects to this Interrogatory on the basis that BellSouth is already in possession of the information sought. XO further objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order. Moreover, the Interrogatory is overly burdensome, onerous, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

19.

**INTERROGATORY 16:** Provide a list of all BellSouth wire centers and/or central offices in the Southeastern states to which you have deployed high capacity transport facilities that are *operationally ready* to provide dedicated transport along a route, directly, or indirectly through a location not affiliated with BellSouth, to one other BellSouth central office. The facilities must terminate to an active collocation arrangement. *This interrogatory varies from Interrogatory No. 1 in this docket as it seeks wire centers/central offices even if you are not actually providing transport from the locations; it also seeks wire centers/central offices that your facilities route through directly or indirectly. For example, in answering this Interrogatory, provide information about facilities that may indirectly provide transport along a route, for example, using the diagram below, the IXC transport route should be identified:*

BST wire center → IXC POP ← → IXC POP → BST wire center

For each central office or wire center that you list, identify:

- a. The CLLI code of the central office.

- b. The type of collocation at which the facilities terminate;
- c. The customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement;
- d. Indicate whether the facilities are provided over dark fiber you have obtained from BellSouth;
- e. The total active capacity and number of fiber strands deployed as of the most recent date available;
- f. Whether you are able and able immediately to provide DS1 transport, on a wholesale basis, over the transport facilities;
- g. Whether you are willing and able immediately to provide DS3 transport, on a wholesale basis, over the transport facilities;
- h. Whether you are willing and able immediately to provide dark fiber transport, on a wholesale basis, over the transport facilities.

**OBJECTION:** XO objects to this Interrogatory on the grounds that the requested information is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The FCC specifically ruled that “daisy-chaining”, the linking of facilities of multiple service providers to form a single circuit, shall not be considered in the route specific review to be conducted by the states. *See Triennial Review Order* ¶ 402. Accordingly, the Interrogatory seeks information that is expressly beyond the scope of this proceeding and the analysis required of the Commission as set forth in the Triennial Review Order. Moreover, the Interrogatory is overly burdensome, onerous, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

20.

**INTERROGATORY 17:** For each central office/wire center identified in response to Interrogatory No. 16:

- a. Are your transport facilities operationally ready to provide dedicated transport between the central office/wire center identified and any other ILEC wire center on the same list?
- b. If your responses to part (a) above is negative, identify each such the ILEC central offices on the list that does not satisfy part (a) and explain with particularity why not.

**OBJECTION:** See XO's objection to Interrogatory No. 16 above.

21.

**INTERROGATORY 18:** Provide a list of all BellSouth wire centers and/or central offices in the Southeastern states from which you offer to other carriers on a wholesale basis DS1 or higher transport facilities, or dark fiber transport facilities that provide a route, directly, or indirectly through a location not affiliated with BellSouth, to one other BellSouth central office. The facilities must terminate to an active collocation arrangement. *This interrogatory varies from Interrogatory No.2 in this docket as it seeks wire centers/central offices that your facilities route through directly or indirectly. For example, in answering this Interrogatory, provide information about facilities that may indirectly provide transport along a route, for example, using the diagram below, the transport route between IXC – points of presence ("POP") should be identified:*

BST wire center → IXC POP ← → IXC POP → BST wire center

For each central office or wire center that you list, identify:

- a. The CLLI code of the central office.
- b. The type of collocation at which the facilities terminate;

- c. The customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement;
- d. Indicate whether the facilities are provided over dark fiber you have obtained from BellSouth;
- e. The total active capacity and number of fiber strands deployed as of the most recent date available;
- f. Whether you are able and able immediately to provide DS1 transport, on a wholesale basis, over the transport facilities;
- g. Whether you are willing and able immediately to provide DS3 transport, on a wholesale basis, over the transport facilities;
- h. Whether you are willing and able immediately to provide dark fiber transport, on a wholesale basis, over the transport facilities.

**OBJECTION:** XO objects to this Interrogatory on the grounds that the requested information is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The FCC specifically ruled that “daisy-chaining”, the linking of facilities of multiple service providers to form a single circuit, shall not be considered in the route specific review to be conducted by the states. *See Triennial Review Order* ¶ 402. Accordingly, the Interrogatory seeks information that is expressly beyond the scope of this proceeding and the analysis required of the Commission as set forth in the Triennial Review Order. Moreover, the Interrogatory is overly burdensome, onerous, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

22.

**INTERROGATORY 19:** For each central office/wire center identified in response to Interrogatory No. 18:



- a. Are you willing and able immediately to provide high capacity transport, on a wholesale basis, over transport facilities between the wire central office/wire center identified and any other ILEC wire center on the same list?
- b. If your responses to part (a) above is negative, identify each such the ILEC office/wire center on the list that does not satisfy part (a) and explain with particularity why not.

**OBJECTION:** See XO's objection to Interrogatory No. 18 above.

**23.**

**INTERROGATORY 20:** Identify the points within all Southeastern states at which you connect your local network facilities to the networks of other carriers, including but not limited to interconnection with other CLECs, interexchange carriers, internet service providers at any point of presence ("POP"), network access point ("NAP"), collocation hotels, data centers, or similar facility. This interrogatory may be answered with network diagrams.

**OBJECTION:** XO objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. Furthermore, the FCC specifically ruled that "daisy-chaining", the linking of facilities of multiple service providers to form a single circuit, shall not be considered in the route specific review to be conducted by the states. *See Triennial Review Order* ¶ 402. Moreover, the Interrogatory is overly burdensome, onerous, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

24.

**INTERROGATORY 21:** Identify the points within all Southeastern states at which you connect your local network facilities to BellSouth's network, including but not limited to any and all points of presence ("POP"). This interrogatory may be answered with network diagrams.

**OBJECTION:** XO objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. Furthermore, the FCC specifically ruled that "daisy-chaining", the linking of facilities of multiple service providers to form a single circuit, shall not be considered in the route specific review to be conducted by the states. *See Triennial Review Order* ¶ 402. Moreover, the Interrogatory is overly burdensome, onerous, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

25.

**INTERROGATORY 22:** On an MSA-specific basis, in the southern states please describe with specificity the configuration of your transport and/or loop facilities; including, but not limited to: (a) the configuration of your facilities (e.g., point to point or ring configuration); (b) the customer specific locations that are accessible from your facilities; and (c) a list of all customer units accessible in a multi-tenant building.

**OBJECTION:** XO objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission as set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. Furthermore, the FCC specifically rejected an "analysis of the transport markets on a broader scale, such as city, MSA or other zone".

*See Triennial Review Order* ¶ 402. Accordingly, the Interrogatory is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Moreover, the Interrogatory is overly burdensome, onerous and oppressive, as applied to XO.

26.

**INTERROGATORY 23:** Provide a list of all fiber rings in the Southeastern states you own or control and identify the location (by street address) of each add-drop multiplexer or comparable facility for connection other transport facilities (e.g., wire centers, loops, other fiber rings) to the fiber ring.

**OBJECTION:** XO objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. Furthermore, the FCC specifically ruled that “daisy-chaining”, the linking of facilities of multiple service providers to form a single circuit, shall not be considered in the route specific review to be conducted by the states. *See Triennial Review Order* ¶ 402. Moreover, the Interrogatory is overly burdensome, onerous, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

27.

**INTERROGATORY 24:** Identify each shared or non-BellSouth location (e.g., collocation hotel) in the Southeastern states in which you are located. For each such location state:

- a. The type of collocation or sharing/leasing of space for placement of equipment (e.g., caged, cageless, shared, or virtual);

- b. The type of equipment and number of equivalent DS0 channels for all services in the collocation space (e.g., DLC, remote switches, multiplexers, transmission terminals, etc.).
- c. The transmission facilities and number of equivalent DS0 channels for all services used to connect the office to your switch or non-ILEC switching provider (e.g., BellSouth UNEs, BellSouth special access, self provision, third party provision).

**OBJECTION:** XO objects to this Interrogatory on the grounds that, to the extent it seeks information relating to BellSouth's facilities, BellSouth is already in possession of such information. XO further objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. XO also objects because the Interrogatory, as applied to XO, is overly burdensome, onerous, oppressive and not reasonably calculated to lead to the discovery of admissible evidence.

28.

**INTERROGATORY 25:** For each arrangement identified in response to Interrogatory 24 and in response to Interrogatory 16, please list the types of services that are provided utilizing such an arrangement.

- a. List all types of services you offer to your end users from each collocation space describe or demand and the quantity of each service you provide and/or offer.
- b. For each service identified in (a), list the average monthly revenue associated with each type of service.

**OBJECTION:** XO objects to this Interrogatory on the grounds that the requested information is irrelevant to the issues in this proceeding, is not reasonably calculated to lead to the discovery of admissible evidence, and seeks the disclosure of confidential and proprietary business information.

29.

**INTERROGATORY 26:** Provide a list of all customer locations in each/any of the Southeastern states at which you have deployed high capacity loop facilities (DS3 or greater facilities, including dark fiber) that you own and where you are serving customers using those facilities. *This interrogatory varies from Interrogatory No. 8 in this docket as it is not limited to loop facilities solely used to provide retail service.* For each customer location, identify:

- a. The RSAG valid address of the customer location;
- b. The CLLI code of the CLEC switch, wire center, collocation, point of interconnection, etc. from which the loop is extended to the customer location (by 11 character CLLI);
- c. Whether you have the unrestricted ability to serve all customers at that location, if the location is a multi-tenant location. If not, explain with particularity why not, including any restrictions on your ability to serve customers and the steps you have taken to address such restrictions.
- d. The total active capacity and the number of fiber strands on your facilities at the specific customer locations using the most recent data available;
- e. Whether your facilities are operationally ready to provide DS3 loops at the specific customer location.

**OBJECTION:** XO objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the

Commission set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. XO further objects that the Interrogatory is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Interrogatory seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

30.

**INTERROGATORY 27:** Describe with particularity all factors you consider when deciding whether to extend high capacity loop or transport facilities to:

- a. pick up additional traffic;
- b. pick up additional or new customers;
- c. pick up additional or new buildings.

**OBJECTION:** XO objects to this Interrogatory on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order insofar as it seeks information relating to states other than Georgia. XO further objects that the Interrogatory is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Interrogatory seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

### **SPECIFIC OBJECTIONS TO REQUESTS**

XO hereby incorporates by reference the above General Objections. To the extent possible, given the constraints of the ten (10) day preliminary objection period set forth in the Procedural Orders, XO will attempt to identify individual items that are objectionable.

31.

**REQUEST 1:** Produce any maps and/or diagrams that illustrate the most current information available for the physical location of your high capacity transport and/or loop facilities within the Southeastern states.

**OBJECTION:** XO objects to this Request on the grounds that it seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order. As such, it is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Request seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

32.

**REQUEST 2:** Produce any documents identified in your responses to BellSouth's First Set of Interrogatories in this docket.

**OBJECTION:** XO objects to this Request on the grounds that it is overly broad. It also seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order. As such, it is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Request seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

33.

**REQUEST 3:** Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or

relates to your actual or planned deployment of high capacity transport and/or loop facilities within the Southeastern states.

**OBJECTION:** XO objects to this Request on the grounds that it is overly broad. It also seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order. As such, it is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Request seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

34.

**REQUEST 4:** Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or relates to your obtaining high capacity transport and/or loop facilities from other persons.

**OBJECTION:** XO objects to this Request on the grounds that it is overly broad. It also seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order. As such, it is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Request seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

35.

**REQUEST 5:** Produce all documents from 2000 to present referring or relating to how you determine whether or not to deploy high capacity transport and/or loop facilities.



**OBJECTION:** XO objects to this Request on the grounds that it is overly broad.

It also seeks information beyond the scope of this proceeding and the analysis required of the Commission set forth in the Triennial Review Order. As such, it is not reasonably calculated to lead to the discovery of admissible or relevant evidence, is unduly burdensome and oppressive. Further, XO objects on the grounds this Request seeks the disclosure of confidential and proprietary business information that has no relevance to this proceeding.

Dated this 12<sup>th</sup> day of December, 2003,

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document, by depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to insure delivery to the following parties:

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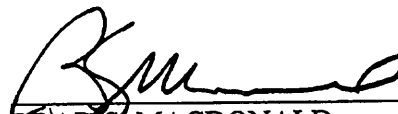
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This the 18<sup>th</sup> day of December, 2003.



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